

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JEFFREY JOSEPH,

Petitioner,

v.

9:18-CV-0728  
(TJM)

MICHAEL KIRKPATRICK, Superintendent of Clinton  
Correctional Facility,

Respondent.

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APPEARANCES:

OF COUNSEL:

FRANZBLAU DRATCH, P.C.  
Attorneys for Petitioner  
233 Broadway  
Suite 2701  
New York, NY 10271

STEPHEN N. DRATCH, ESQ.

THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Petitioner Jeffrey Joseph has filed a counseled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, as well as the filing fee. Dkt. No. 1, Petition; Dkt. Entry Dated 6/28/2018 (indicating payment of, and receipt number for, the filing fee).

Petitioner identifies Kings County, within the Eastern District of New York, as the location of his conviction for manslaughter and the resulting sentence imposed. Pet. at 11-12 (disclosing conviction and appellate court where the direct appeal was filed); *People v. Joseph*, 145 A.D.3d 916, 916 (2nd Dep't 2016), *lv. denied* 29 N.Y.3d 949 (2017). Because petitioner is plainly attacking the validity of the sentence imposed in the Kings County Supreme Court, the Court concludes that the United States District Court for the Eastern

District of New York is the appropriate forum for this action. 28 U.S.C. § 2241(d); *Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 484, 497-98 & n.13 (1973). Accordingly, this action will be transferred to the Eastern District Court.

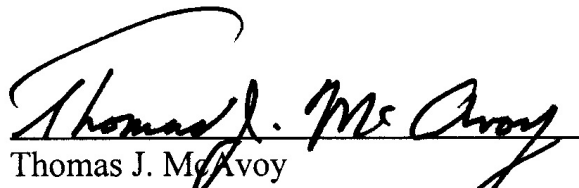
**WHEREFORE**, it is

**ORDERED** that this action is transferred to the United States District Court for the Eastern District of New York; and it is further

**ORDERED** that the Clerk is directed to electronically transfer this action to the Clerk of the Eastern District of New York. The Court hereby waives the fourteen (14) day waiting period provided for in Local Rule 83.6; and it is further

**ORDERED** that the Clerk serve a copy of this Decision and Order upon petitioner in accordance with the Local Rules.

**IT IS SO ORDERED.**

  
Thomas J. McAvoy  
Senior, U.S. District Judge

Dated: June 29, 2018